

**MINUTES OF THE
CITY PLANNING COMMISSION
JUNE 15, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:00 a.m.

Commission Members:

Present: Caleb Faux, Donald Mooney, John Schneider, Rainer vom Hofe, and James Tarbell.

Community Development and Planning Staff: Margaret Wuerstle, Steve Briggs, Rodney Ringer and Jennifer Walke.

Law Department:
Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the June 1, 2007 Planning Commission meeting for approval.

Motion:	Mr. Mooney moved approval of minutes.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Mr. Mooney, Mr. Schneider and Mr. vom Hofe
Nays:	None, motion carried

Mr. Faux stated that staff had requested that Item #4 be moved to the Discussion Agenda.

Mr. Faux requested that Item #2 also be moved to the Discussion Agenda.

Mr. Schneider requested that Items #1 and #3 be moved to the Discussion Agenda.

CONSENT ITEMS

BY-LEAVE

ITEM #4A A report and recommendation on authorizing the Sale of surplus city-owned real property located at 2821 Little Dry Run Road, which real property is no longer needed for any municipal purpose, to Anderson Township, and repealing Ordinance No. 351-2006.

Motion: Mr. Mooney moved approval of Item 4A.

Second: Mr. vom Hofe
Ayes: Mr. Faux, Mr. Mooney, Mr. Schneider and Mr. vom Hofe
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #1 A report and recommendation on an ordinance authorizing the City Manager to enter into and execute an Agreement of Lease with Norton Outdoor Advertising, Inc. for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

Mr. Steve Briggs, Senior Planner presented this item.

BACKGROUND:

Over the last few years the City administration discovered a number of billboard leases that were either assumed with the purchase of property, expired and rent was being collected based upon old lease rates or billboards thought to be on private property that were actually resting in part or whole on City property or within the public right-of-way. The City entered into negotiations with the billboard owners to update and revise rent payments. Additionally, the City is demanding the payment of rent or the removal of the billboards. This agreement represents the results of its negotiations with Norton Outdoor Advertising, Inc. who will pay the City Seventeen Thousand One Hundred Thirty Five and 00/100 Dollars (\$17,135.00) annually for the lease of seven sign locations. The City is willing to lease the properties for ten years with an initial term of five years.

Each of the outdoor advertising signs subject to the lease agreement were erected and have been in use prior to our current zoning code enactment date of February 13, 2004 and are grandfathered as either an existing permitted use or existing nonconforming use.

The Cincinnati Zoning Code Chapter 1427 Sign Regulations states in Section 1417-01, Purposes:

Signs that do not pertain to a business, activity and use that takes place on the same premises as where the sign is located are regulated by Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code and by the applicable zoning district regulations of the Cincinnati Zoning Code.

Furthermore, Section 1427-17, Off-Site Signs states:

Off-Site Signs are permitted only in the CC-M, CC-A, CG-A, MG and ME zoning districts and must be displayed in compliance with Chapter 895, Outdoor Advertising Signs, of the Municipal Code.

The following outdoor advertising signs subject to the lease agreement are an existing nonconforming use in their current zoning district. In the previous zoning code, pre-2004, Off-Site Signs were defined as advertising signs that included billboard signs.

- Sign located at HCAP Book 63, Page 3, Parcel 234, in the neighborhood of Walnut Hills near the E. McMillan Street and Chatham Street intersection is within a CC-P District and is a nonconforming use. The previous zoning was B-4 General Business District that allowed advertising signs [billboards] as a permitted commercial use.
- Sign located at HCAP Book 167, Page 3, Parcel 56 in the neighborhood of Saylor Park is with a RF-C District on City owned property within the River Road right-of-way and is a nonconforming use. The previous zoning, before 2004, was R-4 Multi-Family Low Density.
- Sign located at HCAP Book 94, Page 8, Parcel 49 in the neighborhood of Over-The-Rhine, near the intersection of W. Liberty Street and Race Street is within a RM-1.2 District and is a nonconforming use. The previous zoning, before 2004, was B-4 General Business District that allowed advertising signs [billboards] as a permitted commercial use.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

Approve an Agreement of Lease with Norton Outdoor Advertising, Inc. for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

Item #1 was discussed concurrently with Item #2.

ITEM #2 A report and recommendation on an ordinance authorizing the City Manager to enter into and execute an Agreement of Lease with the Lamar Advantage GP Company for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

Mr. Steve Briggs, Senior Planner presented this item.

BACKGROUND:

Over the last few years the City administration discovered a number of billboard leases that were either assumed with the purchase of property, expired and rent was being collected based upon old lease rates or billboards thought to be on private property that were actually resting in part or whole on City property or within the public right-of-way. The City entered into negotiations with the billboard owners to update and revise rent payments. Additionally, the City is demanding the payment of rent or the removal of the billboards. This agreement represents the results of its negotiations with Lamar Advantage GP Company who will pay the City Sixty-One Thousand, Five Hundred and 00/100 Dollars (\$61,500.00) annually for the lease of fifteen sign locations. The City is willing to lease the properties for ten years with an initial term of five years.

Each of the outdoor advertising signs subject to the lease agreement were erected and have been in use prior to our current zoning code enactment date of February 13, 2004 and are grandfathered as either an existing permitted use or existing nonconforming use.

The Cincinnati Zoning Code Chapter 1427 Sign Regulations states in Section 1417-01, Purposes:

Signs that do not pertain to a business, activity and use that takes place on the same premises as where the sign is located are regulated by Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code and by the applicable zoning district regulations of the Cincinnati Zoning Code.

Furthermore, Section 1427-17, Off-Site Signs states:

Off-Site Signs are permitted only in the CC-M, CC-A, CG-A, MG and ME zoning districts and must be displayed in compliance with Chapter 895, Outdoor Advertising Signs, of the Municipal Code.

The following outdoor advertising signs subject to the lease agreement are an existing nonconforming use in their current zone district. In the previous zoning code, pre-2004, Off-Site Signs were defined as advertising signs that included billboard signs.

- Sign located at HCPB Parcel 15, Page 2, Parcel 56 in the neighborhood of Linwood near the Beechmont Circle and Beechmont Avenue intersection is within a ML, Manufacturing Limited District and is a nonconforming use. The previous zoning was M-2 Intermediate Manufacturing that allowed advertising signs [billboards] as a permitted commercial use.
- Sign located at HCAP Book 65, Page 1, Parcel 82 in the neighborhood of Walnut Hills near the intersection of E. Martin Luther King, Jr. Drive and Fredonia Avenue is within a ML, Manufacturing Limited District and is a nonconforming use. The previous zoning was M-2 Intermediate Manufacturing that allowed advertising signs [billboards] as a permitted commercial use.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

Approve an Agreement of Lease with Lamar Advantage GP Company for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

DISCUSSION

Mr. Briggs explained that Item #1 and Item #2 were Lease Agreements for billboards that are either partially or fully on city property. He stated that the Lease Agreements were negotiated by the City Law Department and stated that payment would be made annually for a term of initially five years with the possibility of ten years.

Mr. Mooney stated that it was appropriate for the Planning Commission to question the use of City property for billboards. Mr. Faux agreed and asked if there were other public uses for the property.

Mr. Briggs stated that some of the billboards had been in place for decades and in some cases had not been paying any rent at all. He explained that the signs subject to the lease agreement were erected and had been in use prior to our current zoning code enactment date of February 13, 2004 and were grandfathered in as either an existing permitted use or existing nonconforming use. In response to Mr. Mooney, Mr. Briggs stated that the properties had been acquired primarily through road and other City projects.

Mr. Tarbell arrived at 9:10 a.m.

Mr. Pat Gallagher, with the City Real Estate Division gave a brief history of the billboards and the process used to determine ownership. He stated that four years had been spent researching ownership of the property and determining the next steps. Mr. Mooney asked if the City should generate revenue by being in the billboard business or should the signs be torn down, so as to eliminate eyesores.

Mr. Gallagher stated that the issue goes beyond the revenue aspect. He stated that it was in the City's best interest to have legal ability to remove the billboards. He explained that State law requires that signs removed for public purpose must be relocated for which the City incurs huge of costs. The leases stipulate that the signs could be removed without relocation costs to the City.

Mr. Mooney asked if the billboards could be removed instead of entering into a Lease Agreement. Mr. Gallagher stated that Legal Council said that the City could not remove the signs. Ms. Julia Carney, Law Department, stated that she had not seen the Lease Agreements and therefore could not comment.

Mr. Mooney asked if some of the signs already had leases. Mr. Gallagher responded that some billboards have existing leases with the City. Some leases have indefinite terms. Mr. Schneider asked if the billboard companies had offered to pay any back rent or if the matter had been discussed in the Lease Agreement negotiations. Mr. Gallagher stated that the matter had been discussed but had not been a part of the agreement. Mr. Schneider asked what retailers pay to advertise on the billboards. Mr. Gallagher stated that the retailers purchase an advertising package and the billboard companies will not disclose rent amounts for individual signs. He added that the City hired an independent firm to assist in determining ground rent. Land rents are 7-9% lower than building rents. Mr. Mooney asked if the billboard companies had to take the signs down when the leases

expire. Mr. Gallagher stated that with this new Lease Agreement they would have to take them down. But with the old lease they did not.

Mr. Mooney stated that he felt the billboards do not enhance the community and asked if agreeing to the Lease Agreements would be good public policy. Mr. Gallagher stated that the Department of Transportation informed him that there was no funding for removing signs.

Mr. Schneider asked if there were representatives from Lamar or Norton present. They were not present.

Mr. Mooney moved to disapprove Items #1 and #2. Ms. Carney suggested holding the items. Mr. Tarbell agreed and stated that he felt all parties should work to find a middle ground and that the City should continue to hold the property.

Mr. Mooney stated that he felt they owed it to their children and future generations to remove the billboards. Mr. Schneider stated that he did not want to make a decision on the matter as a package, but individually and that photos were needed. Mr. Gallagher stated that he could put together a billboard presentation for the Planning Commission.

Motion:	Mr. Mooney moved to hold Items #1 and #2 and requested additional information.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays:	None, motion carried

ITEM #3 A report and recommendation on an ordinance authorizing the City Manager to enter into and execute an Agreement of Lease with Magnolia Heights Limited Partnership for City-owned Baldwin Alley between 12th and 13th Streets, which property is not needed for any municipal purpose during the term of the lease.

Ms. Jennifer Walke, Senior Planner presented this item.

BACKGROUND:

The City owns Baldwin Alley between 12th and 13th Streets. Magnolia Heights Limited Partnership owns the property abutting Baldwin Alley on which it operates rental housing. Magnolia Heights has petitioned to lease Baldwin Alley in order to close it off at both ends, thereby reducing criminal and nuisance activity within the alley. Baldwin Alley is too narrow to allow vehicular traffic use. A Lease Agreement with terms acceptable to Magnolia Heights and the Administration has been finalized. Magnolia Heights would lease property for five years with rights of renewal. An appraisal performed by Real Estate Services has determined that the fair lease value of Baldwin Alley is \$460.00 per year. However, since Baldwin Alley serves no public transportation

purpose, and since its closure will reduce its criminal and nuisance use, it will be leased for \$1.00 per year.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into a Lease Agreement with Magnolia Heights Limited Partnership for City-owned Baldwin Alley between 12th and 13th Streets, which property is not needed for any municipal purpose during the term of the lease.

DISCUSSION

Mr. Schneider asked if there were conditions applied to leases of alleys such as they have to keep it clean and gated. Ms. Kathy Shulte stated that the leases do require that the area is maintained and gated. She said that she goes out to inspect the property once it has been gated.

Motion: Mr. Mooney moved approval of Item #3.
Second: Mr. vom Hofe
Ayes: Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays: None, **motion carried**

ITEM #4 A report and recommendation on an ordinance authorizing the sale to Dan Druffel, Inc. of Lindsay Alley west of Boone Street.

Ms. Margaret Wuerstle, Chief Planner presented this item.

BACKGROUND:

The City owns Lindsay Alley west of Boone Street (Lindsay). Dan Druffel, Inc. (Druffel) has petitioned to purchase Lindsay. Druffel owns property abutting Lindsay on which it operates a landscaping business. Druffel intends to use Lindsay in the operation of its business. An appraisal performed by Real Estate Services has determined that the value of the benefits that will accrue to the Petitioner as a result of the sale is \$3,030.00. The Petitioner has deposited this amount with the City Treasurer. All of the conditions and easements in the Coordinated Report for the sale have been met or are in the Ordinance.

The only other abutter has not given consent to the sale. Therefore, notice of the petition to purchase must be published for six consecutive weeks prior to any final council action.

RECOMMENDATION:

Department of Community Development and planning staff recommended that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into a Sale Agreement with Dan Druffel, Inc., for the purchase of Lindsay Alley west of Boone Street, which property is not needed for any municipal purpose.

DISCUSSION

Mr. Herb Washington, abutting property owner, stated that he was not in favor of Mr. Druffel's expansion. He stated that he now did not have access to a portion of his property due to the installation of a fence by Mr. Druffel.

Mr. Michael Jackson, Real Estate Department, stated that Mr. Druffel was given a right of entry after due process. Mr. Washington was aware of the cost of his portion of the alley and was given notice regarding purchase of the property. Mr. Washington did not purchase the property and Mr. Druffel stated that he wanted to purchase the property and was given the right of entry. The property must be advertised for six weeks since the abutting property owner does not agree to the sale.

Mr. Tarbell asked if there was a middle ground to allow Mr. Washington access to his property.

Mr. Jackson stated that he went through the coordinated report process and that there were no conditions regarding access.

Mr. Washington stated that he now had the funds to purchase the half of the alley abutting his property and desired to purchase it.

Mr. Tarbell stated that he felt the Item should be held due to the fact that the other property owner was not present.

Mr. Schneider asked that staff provide a clearer map and photographs.

Motion:	Mr. Mooney moved to hold of Item #4.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays:	None, motion carried

ITEM #5 A report and recommendation on the Camp Washington Industrial Area Draft Plan.

Mr. Steve Briggs, Senior Planner presented this item.

PURPOSE: The City Planning Commission is to review and comment on the draft Urban Renewal Plan in accordance with Section 725-3 of the Cincinnati Municipal Code [CMC].

BACKGROUND: In the fall of 2004 the Strategic Program for Urban Redevelopment (SPUR) team identified Camp Washington as a priority study area due to the high concentration of existing manufacturing activity and recent closures of businesses. The goal of SPUR is to return vacant, underused land to productive use and retain existing businesses. Efforts by the SPUR team require predevelopment evaluation that focuses on early consideration of potential manufacturing sites suitable for redevelopment. A good example of this activity is the Metro West Development in Lower Price Hill concentrating on redevelopment of the former Queen City Barrel properties into a light manufacturing and office park.

The Department of Community Development and Planning staff in early 2005 engaged the services of Cole & Russell Architects as consultants to prepare a plan for Camp Washington. A draft of the plan has been prepared. On September 1, 2006, the City Planning Commission approved the proposed Study Area Boundary for the Camp Washington Industrial Area Plan.

A Camp Washington Plan Steering Committee comprised of representatives from industrial area businesses provided assistance with draft plan review and recommendations for prioritizing of potential project sites.

The Office of Architecture and Urban Design in the City's Department of Transportation and Engineering conducted an eligibility study for the area in accordance with Chapter 725 CMC. A summary of this study will be included in the final plan document.

INDUSTRIAL PLAN AREA: Camp Washington Industrial Area Plan is centered along the Spring Grove Avenue corridor of the Camp Washington neighborhood. The study area is bounded approximately by Ludlow Avenue and Interstate 74 to the north; Colerain Avenue and Interstate 75 to the east; Western Hills Viaduct to the south; and Rail Road Yards to the west. The Plan area incorporates the all MG, Manufacturing General District zone property and some CC-A, Community Commercial Auto District Zoning along Colerain Avenue.

PLAN OVERVIEW: The draft plan was prepared by the consultant Cole & Russell Architects from the spring of 2005 through the spring of 2007. Preliminary drafts of the plan were reviewed by the Steering Committee and priority sites were chosen. A series of public viewings were conducted in July 2006 consisting of preliminary priority site recommendations. During field observation and study seven priority sites were identified within the Camp Washington Industrial Area Plan boundary. These sites are not necessarily contiguous with any one parcel. The sites are defined by particular geographic constraints such as past building patterns or under utilization as manufacturing facilities.

The three of the seven priority sites were provided recommendations for improvements.

- Proposed improvement of Ryerson Steel vehicular circulation by removing the need for truck queuing within the Spring Grove Avenue right-of-way.
- Proposed improvement to the former Sara Lee/Kahn's property that now owned by Hamilton County as potential new county jail site [new institutional building]
- Proposed improvements along Arlington Street, the location of the long vacant Crosley Building and other under used property.

The Camp Washington Industrial Area Plan outlines potential options for improved Hopple Street and Spring Grove Avenue vehicular connection. The plan also summarizes the I-74 & I-75 Hopple Street interchange concepts as proposed by Ohio Department of Transportation [ODOT]. Additional recommendations provide guidance towards the improving the KAO Brands, Inc., entrance at Spring Grove Avenue and potential expansion opportunities.

COORDINATED CITY PLAN: The Camp Washington Industrial Area conforms to the following goals and policies of the Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use, 1980:

1. Assist existing industries to rehabilitate and remain in their present locations by recycling old industrial structures and by improving the physical environment of industrial areas.
2. Plan for areas of industrial use around existing industries where new land for parking or plant expansion may encourage existing industry to remain.

NEIGHBORHOOD SUPPORT: The Camp Washington Community Board and the Camp Washington Business Association have submitted correspondence in support of the plan.

CITY COORDINATION: Cole & Russell Architects and the Department of Community Development and Planning have been working in collaboration with staff from the Department of Transportation and Engineering during the planning process to ensure consistency with departmental policies and programs. The draft plan will also be circulated to all relevant City agencies for formal review. Additional comments received from these agencies and input from the City Planning Commission will be incorporated into the final plan.

RECOMMENDATION: The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

Accept the draft of the Camp Washington Industrial Area Plan, dated Spring 2007, for review and comment.

DISCUSSION

Mr. Briggs introduced Mr. Graham Kalbli, of Cole Russell Architects and stated that they had worked together with the Camp Washington Area Council and a steering committee of industrial business on the Plan since 2005. He presented a map and stated that Mr. Kalbi would outline the philosophy of the concept of the Plan.

Mr. Kalbi explained that Camp Washington was studied to determine the strengths and weaknesses of the area and develop a series of sites for more in depth study for redevelopment and spurring industrial activity in the district. He went on to say that seven sites that fit the objective were found and three of those became the focus for broad ranging recommendations. He used the map to point out the sites and gave an overview of the sites in relation to the Camp Washington Industrial Area Plan. Mr. Briggs gave some specifics of the sites in response to Mr. Schneider's questions.

Mr. Faux stated that he noticed that a component of the Plan was a blight study. He asked if staff had taken into account what happened in Norwood. Mr. Briggs stated that staff was working with the Law Department to ensure that the Camp Washington Industrial Area Plan meets the new standards. He added that in order for the community to receive federal dollars to assist with clean-up of several properties a blight determination was necessary.

Mr. Schneider stated that the staff report noted that 67% of the buildings in the Plan area have code violations. He asked if that was a high number and further stated that code violations did not necessarily indicate blight.

Motion:	Mr. Schneider moved approval of Item #5.
Second:	Mr. Mooney
Ayes:	Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays:	None, motion carried

ITEM #6 A report and recommendation on a proposed text amendment for Chapter §1413. Manufacturing District of the Cincinnati Zoning Code.

Mr. Rodney Ringer, Senior Planner presented this item.

PURPOSE: To obtain input and direction from the City Planning Commission (CPC) on zoning text amendments to the Manufacturing District of the Cincinnati Zone Code.

BACKGROUND:

On January 13, 2004 City Council passed a motion during the adoption of the Cincinnati Zoning Code directing staff of the City Planning Division to conduct a zoning study for the Community of Winton Place. On January 19, 2005 staff met for the first time with volunteers of the "Winton Place Land Use Committee (WPLUC)". Meetings were conducted for several months (January-June 2005) to discuss various issues concerning

the proposed study area and to gather information. During this time staff presented the existing conditions of the study area as well as possible alternatives that would help the neighborhood in their request to preserve this area. The issues were complex and required a great deal of consensus building in order to fix the original stated concerns. Staff also informed the WPLUC that the project area was actually in Winton Hills, but was encouraged to continue the study, because the affected property owners were in favor of the proposed changes. In addition, at that time Winton Hills had no formal Community Council in place to assist the property owners with their concerns and so they turned to the Winton Place Community Council.

In January 2006, discussions were resumed with the WPLUC presenting recommendations for the study area. The WPLUC has submitted several versions of their recommendations for staff to review. On May 25, 2006 another public meeting was held by the Winton Place Land Use Committee (WPLUC) at the Gray Road Church of Christ to review the proposed study area and proposed text of the “MA” Manufacturing Agricultural District, and to gather feedback from the surrounding property owners.

Additional changes requested by the committee were made (June 20, 2006) and submitted to them on July 7, 2006. The committee returned the final draft to the Department of Community Development and Planning on September 26, 2006 with additional changes. The final version of the proposed “MA” Manufacturing Agricultural District was presented at an official Public Staff Conference held by the City of Cincinnati on November 30, 2006. During this time the neighborhood of Winton Hills was in the process of revitalizing their community council with help from Invest In Neighborhood. Elections were held in March 2007. The Winton Hills Community Council was also engaged in discussions with the Gray Road Land Fill property owners who desired to rezone their property as a PD. Concerns were raised from the Winton Hills representatives that they had not been involved in the creation of the proposed “MA” District.

Staff was directed by Councilwoman Cole to conduct another public meeting on December 18, 2006 with the WPLUC, members of Winton Hills as well as other surrounding property owners regarding the proposed zoning district, because the proposed project area is located in the neighborhood of Winton Hills. An additional follow-up meeting was held by the WPLUC on February 8, 2007 to discuss unresolved issues regarding the proposed “MA” District with representatives from the Community of Winton Hills. At the conclusion of the meeting both sides were still deadlocked on the use of the Gray Road Land Fill site, but were open to continuing discussions concerning the creation of the proposed “MA” District on other properties within the study area.

ISSUES:

The WPLUC would like to create a new zoning district that melds the current uses of clean light industry, SF-20 style residential housing and agriculture currently existing between the Gray Road and Winton Road corridor. The objective is to create a district that would be reflective of the unique agriculture and light industry uses that exist within this area. The study area boundaries are Gray Road Land Fill to the North, the

intersection of Gray Road/Winton Road to the South, Winton Ridge Lane to the East, and Gray Road to the West. The proposed “MA” Neighborhood Manufacturing District eliminates the majority of commercial uses (except for food preparation, loft dwelling units, maintenance and repair services, offices and personal instructional services) currently allowed in the existing ML Manufacturing District. It also encourages a variety of agricultural uses such as livestock farming, fruit & vegetable farming, nurseries and greenhouses that are currently not indicated under the ML or MG Districts.



Figure 1: Property along Gray Road. Greenhouse on Gray Rd.



Figure 2: Nursery/

The Winton Hills Community Council has stressed a desire to work with the Winton Place Land Use Committee (WPLUC) on their proposal. However the Winton Hills would like to see the Gray Road Landfill site developed as a commercial/ office development. This goes against one of the primary concerns of the WPLUC, which is their desire not to see any commercial uses along Winton and Gray Road. The WPLUC believes that these types of uses will disturb the character of the area and bring additional traffic along Winton Road and Gray Road. Winton Hills however, believes that the development would be a great opportunity for the neighborhood to improve its image and provide needed job opportunities. The Gray Road Land fill property is 81 acres and is the single largest site in the project area. The site is currently under contract with the Vandercar Company and is currently zoned ML Manufacturing Light.



Figure 3: View of the Gray Road Land Fill site from Gray Road.

The big box commercial project under consideration by the Vandercar Company would not be permitted in ML District and would require a zone change on the property. The Gray Road Land Fill also would not be a permitted use under the proposed regulations of the “MA” District. The Gray Road Land Fill site would require a zone change whether the new “MA” District is created or not. The creation of the proposed “MA” District does not ensure the future of the Gray Road Land Fill property but it does create a base district for the WPLUC that will help guide development on the properties in the study area.

COMMUNITY RESPONSE:

Twenty-eight property owners in the vicinity of the proposed site attended the November 30, 2006 and December 18, 2006 public staff hearings. Most of them expressed their support for the proposed zone change while others had concerns and questions regarding the need for the proposed district. The staff also received letters following the November 30, 2006 meeting from the Winton Hills representatives as well as the Gray Road Fill, Inc. stressing their disapproval for the proposed “MA” Zoning District. Staff also received an email from the owner of the Cincinnati Coin Laundry Company requesting that his business not to be included in the zoning study. However, the current use of the Cincinnati Coin Laundry Company will continue to be a permitted use in the proposed “MA” District, and thus should remain in the study. This will assure that the overall use of the proposed “MA” District will not be affected by any potential undesired uses allowed in the existing ML District.

CONCLUSIONS:

1. The property within the study area is currently zoned SF-20 Single-family District, SF-6 Single-family District, RM-2.0 Residential-Mixed District and ML Manufacturing Limited District.
2. The Winton Place Land Use Committee (WPLUC) would like to create a new zoning district that melds the current uses of clean light industry, SF-20 style residential housing and agriculture that exist between the Gray Road and Winton Road corridor.
3. There's a potential development within the study area that consist of 81 acres currently under contract with a developer for a proposed commercial/office development.
4. The Winton Hills Community Council differs with Winton Place Land Use Committee regarding the use of the Gray Road Landfill site.
5. The WPLUC is against any commercial uses along Winton and Gray Roads.
6. There is support from most of the property owners in the study area.
7. The study area is a unique area of the City consisting of many large parcels of land supporting light manufacturing, residential and agricultural uses. The

neighborhood has a very rural character that is not commonly found within the boundaries of cities the size of Cincinnati. This unique rural area of the neighborhood contributes to the housing and lifestyle mix available to Cincinnati residents and therefore, is worth preserving.

8. Although there maybe no other areas within the City where the proposed “MA” District could be appropriately located, the benefits of preserving the environment and character of this neighborhood far outweigh any detriments of creating a new zoning district.
9. The new “MA” District would promote the economic stability of existing land uses and protect them from intrusion by unharmonious or harmful land uses.
10. Protection of farmland preserves non-market benefits. These rural amenities include.

Environmental Amenities

- Open space
- Soil conservation
- Wildlife habitat
- Recreational opportunities
- Scenic vistas
- Isolation from congestion
- Watershed protection
- Flood control
- Groundwater recharge

Rural Development Amenities

- Rural income and employment
- Viable rural communities
- Diversified local economy

Social Amenities

- Maintaining traditional country life
- Maintaining a small farm structure
- Maintaining cultural heritage

11. The irreversible loss of farmland from intrusion of unharmonious land uses will erode the environment, rural development and social amenities currently available in this neighborhood of the City.

RECOMMENDATIONS:

The staff of the Department of Community Development and Planning recommended that:

1. The City Planning Commission approve the creation of the new “MA” Manufacturing Agricultural District.
2. The CPC approve placement of the new “MA” District on the proposed area which would rezone this area from ML Manufacturing Limited District and SF-20

Single-family District to “MA” Manufacturing Agricultural in the Community of Winton Hills.

THE MA MANUFACTURING AGRICULTURAL ZONING DISTRICT

Chapter 1413. Manufacturing Districts.

Purposes.

The general purposes of manufacturing districts are to:

Promote and preserve manufacturing areas as significant employment generators.

Facilitate the necessary infrastructure to accommodate a wide variety of transportation, manufacturing and technology uses.

Accommodate existing traditional industries, while anticipating new technologies and business service uses.

Preserve appropriate location of industries that may have the potential to generate off-site impacts, while providing compatibility in use and form.

Establish appropriate standards for reviewing proposals for new development and redevelopment, where appropriate, in manufacturing areas.

Ensure the provision of services and facilities needed to facilitate planned employment densities.

Specific Purposes of the Manufacturing Subdistricts.

The specific purposes of the manufacturing subdistricts are:

(a) *MA Manufacturing Agricultural. To create, preserve and enhance areas that are appropriate for agricultural, farming, low impact manufacturing and supporting commercial uses. Single-family residential is also encouraged in the district.*

(b) ML Manufacturing Limited. To create, preserve and enhance areas that are appropriate for a range of low-impact manufacturing activities and supporting commercial uses. High-impact manufacturing uses may be permitted provided they meet specific performance standards and are buffered from residential areas. Loft dwelling units may be permitted in this district and any commercial uses should be located along major transportation corridors.

MG Manufacturing General. To create, preserve and enhance areas that are appropriate for a wide variety of supporting and related commercial and manufacturing establishments that may have the potential to generate off-site impacts. Future development will accommodate heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution and similar and related supporting uses. These uses typically require sites with good transportation access. Uses that may inhibit industrial development are prohibited.

ME Manufacturing Exclusive. To recognize and preserve areas that are intended exclusively for the location of manufacturing establishments. Future development will accommodate heavy industrial and manufacturing uses. These uses typically require sites with good transportation access. Uses that may inhibit or compete with industrial development are prohibited.

Schedule 1413-05: Use Regulations – Manufacturing Districts

Use Classifications	MA	ML	MG	ME	Additional Regulations
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Use Classifications	MA	ML	MG	ME	Additional Regulations
<i>Residential Uses</i>					
Child day care home	L9	L9	--	--	
Group residential					
Convents and monasteries	--	L1	--	--	
Fraternities and sororities	--	L1	--	--	
Patient family homes	--	L1	--	--	
Rooming houses	--	L1	--	--	
<i>Shared Housing for the Elderly</i>	<i>P</i>	L1	--	--	
Permanent residential					
Single-family dwelling	P	L1	--	--	
Attached single-family dwelling	<i>P</i>	L1	--	--	<i>See § 1403-13</i>
Two-family dwelling	--	L1	--	--	
Multi-family dwelling	--	L1	--	--	
Residential care facilities					
Developmental disability dwelling	P	P	--	--	
Special assistance shelter	--	C	--	--	
Transitional housing					
Programs 1 - 4	--	P	P	--	
Programs 5, 6	--	--	P	--	
<i>Public and Semipublic Uses</i>					
Community service facilities	P	P	--	--	
Day care center	P	P	L3	--	
Government facilities and offices					
Correctional Institutions	--	--	C	--	
Facilities and installations	--	--	C	--	
Juvenile detention facilities	--	--	C	--	
Offices	P	P	P	--	
Park and recreation facilities	P	P	--	--	
Public maintenance facilities	--	P	P	--	
Public safety facilities	C	P	P	P	
Religious assembly	P	P	--	--	
Schools, public or private	P	P	--	--	
<i>Commercial Uses</i>					
Ambulance services	--	P	P	--	
Animal services	--	P	P	--	
Banks and financial institutions	--	P	P	--	
Building maintenance services	--	P	P	--	
Building materials sales and services	--	P	P	P	
Business services	--	P	P	--	
Eating and drinking establishments					
Drinking establishments	--	P	P	--	
Restaurants, full service	--	P	P	--	<i>See § 1419-21</i>

Use Classifications	MA	ML	MG	ME	Additional Regulations
Restaurants, limited	--	P	P	--	See § 1419-21
Food markets	--	L5	L5	--	
Food preparation	P	P	P	--	
Garden supply stores and nurseries	--	P	--	--	
Laboratories, commercial	--	P	P	--	
Loft dwelling units	P	P	P	--	See § 1419-23
Maintenance and repair services	P	P	P	--	
Medical services and clinics	--	P	P	--	
Offices	P	P	P	P	
Parking facilities	--	P	P	C	See Chapter 1425
Personal instructional services	P	P	P	--	
Personal services	--	L5	L5	--	
Private vehicular storage lot	--	--	P	--	
Recreation and entertainment					
Indoor or small-scale	--	P	P	--	
Outdoor or large-scale	--	C	--	--	
Retail sales	--	L5	L5	--	
Sexually oriented business	--	--	P	--	See § 1419-25
Vehicle and equipment services					
Vehicle and equipment sales and rental	--	L2	L2	--	
Car wash	--	L3	P	--	See § 1419-11
Fuel sales	--	L3	P	--	See § 1419-15
Vehicle repair	--	--	P	--	See § 1419-27
Automobile holding facility	--	--	L4	--	
<i>Industrial Uses</i>					
Production industry					
Artisan	P	P	P	P	
General	--	--	P	P	
Intensive high-impact	--	--	C	C	See § 1419-19
Limited	P	P	P	P	
Research and development	P	P	P	--	
Warehousing and storage					
Contractor's storage	--	C	P	--	
Indoor storage	--	P	P	--	
Oil and gas storage	--	--	C	C	
Outdoor storage	--	--	C	C	
Metal waste salvage yard/junk yards	--	--	C	C	
Waste management					
Waste collection	--	P	P	P	See § 1419-31
Waste disposal	--	--	C	C	
Waste transfer	--	--	C	C	See § 1419-31
Wholesaling and distribution	P	P	P	P	
<i>Transportation, Communication and</i>					

Use Classifications	MA	ML	MG	ME	Additional Regulations
<i>Utilities</i>					
Communications facilities	P	P	P	--	
Public utility distribution system	--	P	P	P	
Public utility maintenance yard	--	P	P	P	
Public utility plant	--	C	P	P	
Radio and television broadcast antenna	--	P	P	--	
Transportation facilities					
Airports	--	L6	--	--	
Heliports	--	L6	L6	L6	
Railroad train yards	--	L7	L7	L7	
Railroad right-of-way	--	P	P	P	
Transportation passenger terminals	--	P	P	P	
Truck terminal and warehouse	--	--	L7	L7	
Wireless communication antenna	L13	L8	L8	L8	
Wireless communication tower	--	C	C	C	
<i>Agriculture and Extractive Uses</i>					
<i>Farming</i>	P	--	--	--	See § 1419-38
Mining and quarrying	--	--	C	C	
<i>Commercial Greenhouses</i>	P	--	--	--	
<i>Accessory Uses</i>					See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	
Refuse storage area	L12	L12	L12	L12	See § 1421-35
Drive box	L11	L11	L11	L11	
Commercial vehicle parking	L14	P	P	P	
Exterior lighting	P	P	P	P	See § 1421-39
<i>Composting Facilities</i>	P	--	--	--	See § 1421-37
<i>Home occupation</i>	P	--	--	--	See § 1419-17
<i>Rooming unit</i>	L15	--	--	--	
<i>Retailing</i>	L16				
<i>Nonconforming Uses</i>					See Chapter 1447
<i>Specific Limitations</i>					
L1	New residential is permitted only when abutting an existing residential use or structure.		L2	Permitted on arterial street only. Vehicle loading and unloading must occur on-site.	

Specific Limitations

L3 Permitted only as an accessory use to a use allowed in the district.

L5 Permitted only if occupying less than 5,000 sq. ft. in ML and 10,000 sq. ft. in MG.

L7 Not allowed within 250 ft. of a residential use in a Residential District.

L9 Fencing a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.

L11 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.

L13 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to an agricultural, public or semi-public or public utility building or structure.

L4 The facility must be completely enclosed on all sides with a six foot screen fence which is protected from damage by a guardrail or other barriers approved by the Director of Buildings and Inspections. Must be located at least 100 feet from a residential district.

L6 Landing strip, pad, or apron may not be located within 500 ft. of a residential district boundary.

L8 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public or semi-public, public utility, a commercial or industrial building or structure.

L10 Accessory uses determined by the Director of Buildings and Inspections to be customarily incidental to a use of the district are permitted. All others require conditional use approval.

L12 Provisions of § 1421-35 apply when refuse storage area is within 100 feet of any property used for residential purposes.

L14 One commercial vehicle may be parked or stored on residential property with the following provisions: Commercial vehicles with current license owned by a resident of the residential property on which it is stored or parked may not exceed two tons in capacity. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.

Specific Limitations

L16 Retailing of products manufactured or wholesaled on the premises, when incidental and subordinate to a principal permitted use, provided that the floor area devoted to such retailing shall not exceed 35 percent of the floor area devoted to such principal use, but in no case shall the retail floor area exceed 5,000 square feet.

L15 No more than two rooming units may be rented or leased in a single-family dwelling.

§ 1413-07. Development Regulations.

Schedule 1413-07 below prescribes the development regulations for M Manufacturing Districts, including minimum lot area, maximum height, minimum yards and other standards. Additional standards are included in Chapter 1419.

Schedule 1413-07: Development Regulations – Manufacturing Districts

Regulations	MA	ML	MG	ME	Additional Regulations
Building Scale – Intensity of Use					
Minimum Lot Area (sq. ft.)					
Residential Uses	<u>20,000</u>	4,000	--	--	
Non- residential Uses	<u>20,000</u>	0	0	0	
Land area for every dwelling unit		2,000	--	--	
Building Form and Location					
Maximum Building Height (ft.)	<u>35</u>	45	85	85	
Minimum Yard (ft.)					
Front Residential	<u>40</u>	20	0	0	
Front Non-Residential	<u>25</u>	20	0	0	
Side Residential	<u>10/20</u>	3/12	0	0	
(minimum/total)					
Side Non-Residential	<u>10/20</u>	10/20	0	0	
(minimum/total)					
Rear Residential	<u>35</u>	25	0	0	
Rear Non-Residential	<u>20</u>	10	0	0	
Vehicle Accommodation – Driveways and Parking					
Driveway Restrictions	<u>Yes</u>	Yes	Yes	Yes	See § 1413-09
Parking Lot Landscaping	<u>Yes</u>	Yes	Yes	Yes	See § 1425-31
Truck Docks; Loading and Service Areas	<u>Yes</u>	Yes	Yes	Yes	See § 1413-11

Regulations	MA	ML	MG	ME	Additional Regulations
<i>Other Regulations</i>					
Buffering Along District Boundaries	Yes	Yes	Yes	Yes	See § 1423-13
Accessory Uses and Structures	See Chapter 1421				
General Site Standards	See Chapter 1421				
Landscaping and Buffer Yards	See Chapter 1423				
Nonconforming Uses and Structures	See Chapter 1447				
Off-Street Parking and Loading	See Chapter 1425				
Signs	See Chapter 1427				
Additional Development Regulations	See Chapter 1419				

[NEW DEFINITION TO BE ADDED TO CHAPTER 1401-01.](#)

§ 1401-01-F3. Farming.

“Farming “ means the raising of tree, vine, field, forage and other plant crops, as well as the keeping, grazing or feeding of animals and incidental processing, storage and retail sales facilities.

[§ 1401-01-C7. Commercial Greenhouses.](#)

“Commercial Greenhouses” means a facility where young plants are propagated and grown until they are ready for permanent planting or for sale and a building of glass or in plastic tunnels, designed to protect young plants from harsh weather, while allowing access to light and ventilation.

[OTHER SECTIONS WHERE THE “MA” DISTRICT WILL APPLY](#)

§ 1400-11. Establishment of Zoning Districts.

For the purposes of the Cincinnati Zoning Code, the City of Cincinnati is divided into 22 zoning districts. These zoning districts are intended to:

Location and Use. Regulate and restrict the location and use of buildings and land for residence, commerce and trade, industry, transportation, communications and utilities and other purposes.

Dimensions. To regulate and restrict the height and size of buildings and structures hereafter erected or structurally altered, the size of yards, setbacks, other open spaces and the density of population.

Standards. To establish site development and design standards, subdivision standards and requirements for adequate public facilities and services.

Base zoning districts and chapter references are shown in Schedule 1400-11. References to classes of districts (SF, RM, C, DD, M, RF and IR) include all of the subdistricts.

Schedule 1400-11: Establishment of Zoning Districts

Base Districts and Chapter Reference	District
1403 Single-family Districts	Single-family (SF-20) Single-family (SF-10) Single-family (SF-6) Single-family (SF-4) Single-family (SF-2)
1405 Multi-family Districts	Residential Mixed (RMX) Residential Multi-family (RM-2.0) Residential Multi-family (RM-1.2) Residential Multi-family (RM-0.7)
1407 Office Districts	Office Limited (OL) Office General (OG)
1409 Commercial Districts	Commercial Neighborhood (CN) Commercial Community (CC) Commercial General (CG)
1411 Downtown Development District	Downtown Development (DD)
1413 Manufacturing Districts	Manufacturing Agricultural (MA) Manufacturing Limited (ML) Manufacturing General (MG) Manufacturing Exclusive (ME)
1415 Riverfront Districts	Riverfront Residential/Recreational (RF-R) Riverfront Commercial (RF-C) Riverfront Manufacturing (RF-M)
1417 Institutional-Residential Districts	Institutional-Residential (IR)

§ 1400-15. District Hierarchy.

The term "more restrictive" district applies to any district in the sequence set forth in Schedule 1400-15 that precedes any other district in Schedule 1400-15 and the term "less restrictive" applies to any district which succeeds any other district in Schedule 1400-15.

Schedule 1400-15: District Hierarchy

- (a) Single-family (SF-20)
- (b) Single-family (SF-10)
- (c) Single-family (SF-6)
- (d) Single-family (SF-4)
- (f) Single-family (SF-2)
- (g) [Manufacturing Agricultural \(MA\)](#)
- (h) Residential Mixed (RMX)
- (i) Residential Multi-family (RM-2.0)
- (j) Residential Multi-family (RM-1.2)
- (k) Residential Multi-family (RM-0.7)

- (l) Riverfront Residential/Recreational (RF-R)
- (m) Office Limited (OL)
- (n) Office General (OG)
- (o) Institutional-Residential (IR)
- (p) Commercial Neighborhood-Pedestrian (CN-P)
- (q) Commercial Community-Pedestrian (CC-P)
- (r) Commercial Neighborhood-Mixed (CN-M)
- (s) Downtown Development (DD)
- (t) Commercial Community-Mixed (CC-M)
- (u) Commercial Community-Auto Oriented (CC-A)
- (v) Urban Mixed (UM)
- (w) Manufacturing Limited (ML)
- (x) Commercial General-Auto Oriented (CG-A)
- (y) Manufacturing Exclusive (ME)
- (z) Riverfront Commercial (RF-C)
- (aa) Riverfront Manufacturing (RF-M)
- (bb) Manufacturing General (MG)

§ 1403-13. Additional Development Regulations

Cluster housing developments are permitted in all SF and RM Districts and the [MA](#) District subject to the following regulations:

- (a) Uses. The only permitted uses are attached and detached single-family dwellings.
- (b) Ownership. At the time of application, a cluster housing site may consist of more than one parcel, but all parcels must be contiguous and under single ownership.
- (c) Division of Parcels. The site may be further subdivided after approval of the cluster housing development, including the provision of interior streets.
- (d) Buffer Yard. A 25-foot-wide buffer yard is required along the perimeter of the development site. Structure, detention or retention areas, parking, driveways or accessory uses are not permitted within the buffer yard, except site access and a perimeter fence or wall. The buffer area may not be subdivided and must be under common ownership.
- (e) Site Density. The site density equals the underlying minimum lot area for each dwelling unit of the district in which the development is located. At the time of application, if the development is divided by a pre-existing public street or right of way, the density must be divided proportionally on each side of the street.
- (f) Minimum Setback. The minimum required setbacks of the zoning district do not apply to cluster housing development sites or individual buildings or structures on the development site.
- (g) Maximum Height. The maximum height requirements are the same as those set forth by the district in which the development is located.

(h) Frontage. The cluster housing development site must have a minimum of 25 feet of frontage on a street. Individual lots within the development are not required to front on a street.

(i) Minimum Open Space. Each cluster housing development must have a minimum of ten percent of the total development site as required open space, in addition to the required buffer yards. Open space excluded impervious surface areas such as buildings, paved areas and detention/retention areas.

Chapter 1419. Additional Development Regulations

[§ 1419-39. Farming.](#)

[Farming is permitted in the MA District subject to the following regulations:](#)

[A minimum of 20,000 feet of contiguous land under the same ownership with no more than one single-family dwelling on the property is required in order to use the property for farming purposes.](#)

[Buildings or structures for livestock must be setback a minimum 50 feet from each property line.](#)

[Buildings or structures for storage and greenhouses must be setback a minimum of 20 feet from each property line.](#)

Fence and Walls.

All fences and walls must comply with the provisions of this section, any other applicable provisions of the Cincinnati Zoning Code, and any applicable provisions of the Municipal Code.

(a) General. Fences and walls are permitted in all zoning districts and may be required for specific uses, as provided in Chapter 1419, Additional Development Regulations, or as buffering between certain uses, as provided in Chapter 1423, Landscaping and Buffer Yards.

(b) Maximum Height. In any front or corner side yard the maximum height of any fence or wall may not exceed four feet in SF and RM Districts and six feet in all other districts and may not exceed an opacity of 50 percent. In any interior side or rear yard, the maximum height may not exceed six feet and may be 100 percent opaque.

(c) Entry Gateway. An entry gateway, trellis or other entry structure may be permitted in the required front yard provided the maximum height and width do not exceed ten feet.

(d) Fence With Retaining Walls. A combination wall or fence on top of a retaining wall may be erected. The retaining wall portion may be erected up to a level of the higher

finished grade. The fence or wall portion must comply with the requirement of subsection (b) above.

(e) Driveway Visibility. All fences are subject to the driveway visibility requirements of 1425-37.

(f) Electrical Fences and Razor Wire. Electrical, barbed and razor wire fences are prohibited in SF, RM, O, DD and IR Districts and are an accessory conditional use in C, M and RF Districts. *However, in the MA District solar 12 volt DC electrical (low voltage) ribbon fences are permitted for purposes of livestock, pasture and crop management.*

(g) Decks and Railings. Within the limits of a rear yard in a residential district, decks and railings for above ground swimming pools may be up to eight feet above grade and located at least three feet from all property lines.

§ 1447-11. Substitution of a Nonconforming Use.

The Zoning Hearing Examiner may allow the substitution of a nonconforming use for another nonconforming use permitted in another district as specified in Schedule 1447-11 - Substitution Rights for a Nonconforming Use. Whenever any nonconforming use is changed to a conforming use, such use may not later be changed to a use other than a conforming use.

Schedule 1447-11 - Substitution Rights for a Nonconforming Use

Location of Nonconforming Use	Substitution Rights	Location of Nonconforming Use	Substitution Rights	Location of Nonconforming Use	Substitution Rights
SF-20	None ¹	RM0.7	OL	CGA	ML
SF-10	None ¹	OL	OG	DD	None
				<u>MA</u>	<u>RMX</u>
SF-6	None ¹	OG	CN-P, CN-M	ML	MG
SF-4	None ¹	CN-P	CN-M	MG	None
SF-2	None ¹	CN-M	CC-P	RF-R	RF-C
RMX	RM0.7	CC-P	CC-M	RF-C	RF-M
RM-2.0	RM0.7	CC-M	CC-A	RF-M	None
RM-1.2	OL	CC-A	CG-A	I-R	None
UM	ML				

¹See § 1447-13

DISCUSSION

Mr. Ringer stated that in January 2004 City Council directed staff of the City Planning Division to conduct a zoning study for the Community of Winton Place. He gave a brief history and overview of the proposed zoning text amendment and presented a map to illustrate the study area. He also described current businesses and residential properties and provided photographs. He stated that after intense study and numerous meetings with community members, staff determined that the current ML zoning district did not

reflect the true character of the neighborhood. Mr. Ringer reviewed possible zoning districts and the impacts to the Winton Place community. He concluded that the new “MA” District would promote the economic stability of existing land uses and protect them from intrusion by unharmonious or harmful land uses.

Mr. Mooney asked if garden supply stores and nurseries would be allowed in the new MA district. Mr. Ringer stated that they would be allowed as an accessory use to a production use. Ms. Carney stated that the matter was addressed with the greenhouses producing the plants they sell which is a production use.

Mr. Ringer pointed out the location of the landfill. Mr. Mooney asked if the landfill was currently a non-conforming use and Ms. Wuerstle explained that waste disposal and waste transfer are prohibited in the ML. Mr. Mooney concluded that the new district would not impact the landfill.

Mr. Schneider stated that he felt that retail sales of agricultural and associated products should be a permitted use along with garden stores and nurseries. Ms. Wuerstle stated that it was the intention to allow those uses while prohibiting big box stores. Mr. Mooney stated that the definition of commercial greenhouses does not cover all of the products that are sold there. Mr. Mooney suggested adding a line that states the primary line of products is grown on premises.

Mr. Peter Huttinger, of Home Meadow Song Farm, 15038 Gray Road, stated that the unique agricultural nature of the area was necessary for the survival of his operation. He stated that the amount of green space in the community was phenomenal and preserving the area was critical. He stated that he supported the new agricultural district.

Mr. Tarbell left the meeting at 10:35 a.m.

Mr. Gary Robinson, longtime resident of Winton Place, stated that he had been involved with the zoning project since its inception. He passed out a letter to the Planning Commissioners and read the letter into the record. He requested to insert new language into the purpose statement of the text amendment, and also that the name of the zone be MN – Manufacturing Neighborhood.

Mr. Mooney left the meeting at 10:41 a.m.

Ms. Carney stated that definitions and regulations were inserted into purpose statements proposed by the neighborhood and that was not appropriate to how our code is set up and the nomenclature of the code itself.

Mr. Mooney returned to the meeting at 10:42 a.m.

Ms. Margo Warminski of the Cincinnati Preservation Association stated that the proposed text amendment was an innovative plan to preserve a unique area and that she supported the staff recommendations for the new district.

Ms. Eileen Frechette, long time resident of Wooden Shoe Hollow, stated that she has established a native plant nursery and raised chickens. She stated that she felt that the new MA district protects the area and provides a much-needed model and preserves a country atmosphere in the middle of the City. This is forward thinking and proactive. She stated that large commercial uses require large impervious surfaces and would have a detrimental impact on Kings Run Creek. She explained that the style of the owner-resident business has worked well in this area for over 100 years.

Mr. Schneider asked Ms. Frechette if she would support retail sales by an owner that no longer has a growing operation. Ms. Frechette stated that she felt that she would like to support a local endeavor.

Mr. Tarbell returned to the meeting at 10:50 a.m.

Mr. David Rosenberg, long-time resident and owner of Wooden Shoe Garden, stated that he supported the new MA zone and agreed that the definition of garden stores should be tweaked. The accessory use definition allows retailing as an accessory to production. He stated that he felt that the original wording should be put back into the purpose statement of the text amendment. He also had concerns about the RMX being the substitution rights district for non-conforming uses. This would allow single-family homes on 2000 square foot lots, which is contrary to the objective of the district requiring 20,000 square foot lots for single family. Mr. Mooney suggested that the SF-10 be the substitution rights district instead of the RMX district. Mr. Rosenberg requested that the Planning Commission direct staff to work with the community and law department to change the language.

Mr. Mooney stated that he felt the language needed to be changed in regards to the definitions of garden supplies. He also stated that the name of the district should remain MA – Manufacturing Agriculture to show the uniqueness of the zone since this zone may not be applicable to any other area of the City.

Ms. Leslie Poindexter stated that she supported the MA zone.

Mr. Faux asked Mr. Roy Schweitzer if he wanted to make any comments. Mr. Schweitzer stated that he was just there for fact-finding purposes and did not wish to make any comments.

- Motion:** Mr. Mooney moved to hold Item #6 for two weeks so that staff could:
1. Change the substitution rights section to SF-10.
 2. Change the definitions so that Garden Stores and Nurseries could be a permitted use.
 3. Change the definitions so that the sale of flowers, agricultural products and associated garden products were a permitted use.

4. Research additional language for the purpose statement that would clarify the need for compatibility between the manufacturing, residential and farming uses.

Second: Mr. vom Hofe
Ayes: Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays: None, **motion carried**

Mr. Faux stated that the City Manager had advertised for a Planning Director position and that the City Planning Commission had not been involved in development of the job description or the interviewing. He talked to the City Manager and he has agreed that one member of the City Planning Commission can sit in on the final interviews.

Mr. Mooney nominated Jacquelyn McCray to be the City Planning Commission member to sit in on the interviews.

ADJOURN

Motion: Mr. vom Hofe moved to adjourn.
Second: Mr. Mooney
Ayes: Mr. Faux, Mr. Mooney, Mr. Schneider, Mr. vom Hofe and Mr. Tarbell
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____